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RESOLUTION NO. 05-627

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON PINE GROVE FROM THE NORTH SIDE OF FONTANA TO SANTANA; SANTANA FROM PINE GROVE TO JUDITH; JUDITH FROM SANTANA TO FONTANA INCLUDING THE CUL-DE-SAC AND FONTANA FROM THE WEST LINE OF LOT 24, BLOCK 3, TO 119TH ST. WEST, ALL IN FONTANA ADDITION (EAST OF 119TH ST. WEST, NORTH OF 29TH ST. NORTH) 472-84334 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON PINE GROVE FROM THE NORTH SIDE OF FONTANA TO SANTANA; SANTANA FROM PINE GROVE TO JUDITH; JUDITH FROM SANTANA TO FONTANA INCLUDING THE CUL-DE-SAC AND FONTANA FROM THE WEST LINE OF LOT 24, BLOCK 3, TO 119TH ST. WEST, ALL IN FONTANA ADDITION (EAST OF 119TH ST. WEST, NORTH OF 29TH ST. NORTH) 472-84334 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct pavement on Pine Grove from the north side of Fontana to Santana; Santana from Pine Grove to Judith; Judith from Santana to Fontana including the cul-de-sac and Fontana from the west line of Lot 24, Block 3, to 119th St. West, all in Fontana Addition (east of 119th St. West, north of 29th St. North) 472-84334.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **Four Hundred Forty-Four Thousand Six Hundred Fifty Dollars (\$444,650)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **November 1, 2005** exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FONTANA ADDITION

Lots 1 through 40 and 54 through 68, Block 1

Lots 1 through 25, Block 2

Lots 1 through 55, Block 3
Lots 9 through 22, Block 4
Lots 1 through 19, Block 7
Lots 1 through 16, Block 8

FONTANA 2ND ADDITION

Lots 1 through 36, Block 1
Lots 1 through 8, Block 2

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 18, 23 through 25 and 54 through 68, Block 1, Lots 1 through 25, Block 2, Lots 24 through 55, Block 3, Lots 9 through 22, Block 4, and Lots 1 through 19, Block 7, FONTANA ADDITION, shall each pay 600/444,650 of the total cost; Lots 19 through 22 and 26 through 40, Block 1, FONTANA ADDITION, shall each pay 1,380/444,650 of the total cost; Lots 1 through 23, Block 3, FONTANA ADDITION, shall each pay 7470/444,650 of the total cost; Lots 1 through 16, Block 8, FONTANA ADDITION, shall each pay 8,200/444,650 of the total cost; Lots 1 through 36, Block 1, and Lots 1 through 8, Block 2, FONTANA 2ND ADDITION, shall each pay 905/444,650 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body

as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, November 22, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)